

Appl. No. 10/523,584  
In re Dupont et al.  
Reply to Final Office Action of Dec. 5, 2007

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figs. 1-6. These sheets, which include Figs. 1-6, replace the original sheets including Figs. 1-6. The drawing Figs. 1-6 has been amended to replace the arrows with lead lines and to place a bracket around the components shown in Figure 3, and the reference numerals have been clearly defined. No new matter has been added.

Attachment: Three Replacement Sheets

**REMARKS**

The Examiner is thanked for the Final Official Action mailed December 5, 2007. The Examiner is also thanked for the telephone interview of January 28, 2008. This Amendment and Request for Reconsideration is intended to be fully responsive thereto.

The drawings were objected to for non-compliance with 37 CFR 1.84. Applicant has amended the drawings to replace the arrows with lead lines and to place a bracket around the components shown in Figure 3, and the reference numerals have been clearly defined. No new matter has been entered. Formal line drawings in compliance with 37 CFR 1.84 will be submitted upon the indication of allowance. The examiner is kindly requested to hold this objection in abeyance until other issues are resolved.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter "a weld interface" in Claims 1, 14, and 15. Claims 1 and 14 have been amended to overcome this objection. Specifically, as discussed and agreed during the telephone interview of January 28, 2008 with the Examiner Vinh, the term "weld interface" has been changed to "fusion interface". The support for this amendment could be found in page 8, lines 29-37 of the present application. No new matter has been added. Claim 15 has been canceled, thus rendering the objection of claim 15 moot.

Claims 9-11 were objected to because of the minor informalities. Claims 9 and 10 have been canceled, thus rendering the objection of claims 9 and 10 moot. Claim 11 has been amended to depend upon claim 5. No new matter has been added.

Claims 1-12, 14, and 15 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 3, 4, 6-8 and 14 have been amended as discussed during the telephone interview of January 28, 2008 with the Examiner Vinh to overcome the examiner's rejection. No new matter has been added. Claims 9, 10, 12 and 15 have been canceled, thus rendering the rejection of these claims moot.

Specifically, as discussed during the telephone interview of January 28, 2008, claims 4, 6, 7 and 8 have been amended to delete the word "fusible" in "fusible ribs" and "fusible complementary welding shoulders". Moreover, claim 4 has been amended to recite that the fusion interface is formed between the ribs (32, 34) of the complementary welding faces (28, 30). Similarly, claim 7 has been amended to recite that the fusion interface is formed between the complementary welding shoulders (36, 38). The support for these amendments can be found on page 8, lines 29-37 and Figure 6 of the present application, which discloses the fusion of the complementary ribs 32, 34 and of the fusible complementary shoulders 36, 38 formed by ultrasonic welding.

Claims 1-11, 14 and 15 were rejected under 35 USC 102(b) as being anticipated by Michel (FR 2 730 772). Applicant respectfully disagrees.

Michel fails to disclose a fusion interface provided between the connecting element (22) and the proximal retaining element (20P) at locations offset laterally from an axis of the jacket (18). Contrary to the present invention as recited in claim 1, the mutual fixing of the first and second elements of Michel is in the form of serrations (24) in the first element engaging with internal serrations (22) on the second element, while the locking of the two

elements is achieved by a projection (25) on the first element engaging with a slot (26) in the second element.

For these reasons, Applicant respectfully submits that the applied document, *i.e.*, French Patent 2,730,772 to Michel, does not meet this standard of anticipation. Therefore, the rejection of claims 1-11, 14 and 15 under 35 U.S.C. 102(b) is improper.

Claims 1-11, 14 and 15 were rejected under 35 USC 103(a) as being unpatentable over Michel '772. Applicant respectfully disagrees.

The examiner concedes that Michel does not teach the process of welding including ultrasonically welding of the connecting element 1 to the first retaining element 2. The examiner then alleges that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use welding including ultrasonically welding in order to connect Michel's connecting element 1 to Michel's first retaining element 2 for reducing the cost of manufacturing as taught or suggested by common knowledge in the art.

However, the invention of Michel is titled "adjustable fixing piece on sleeve of control cable for heating and air conditioning units in motor vehicles" (emphasis added). Specifically, the first element (1) and the second element (2) cooperate with each other by a method of mutual positioning (22, 24) so as to allow the positioning of the first element in a choice of different positions with respect to the second element according to a axial direction of the transmission. The mutual fixing of both elements of Michel is in the form of serrations (24) in the first element engaging with internal serrations (22) on the second element. The locking of the two elements is achieved by a projection (25) on the first element engaging with a slot (26) in the second element. Such an arrangement allows for adjustable positioning of the first

element with respect to the second element. Clearly, if the first element (1) is welded to the second element (2), as suggested by the examiner, the device of Michel would no longer be adjustable. Thus, the prior art provides no apparent, logical reason, suggestion or motivation to mutually fix the first and second elements of Michel by welding, and teaches away from the present invention.

Claim 12 was rejected under 35 USC 103(a) as being unpatentable over Michel '772 in view of Guidicelli (FR 2 526 506). Claim 12 has been canceled, thus rendering this rejection moot.

It is respectfully submitted that claims 1-8, 11 and 14 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted,



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